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TOM LYTHGOE, CHAIR

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**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
October 17, 2006**

Present: Commissioners Lythgoe and Weber; Leah Martin, Solid Waste Department; Mike Hoffman and Harold Stepper, County Planners; Garry Pace, County Superintendent of Schools; Bob Klein, Clancy/Boulder School Superintendent; Marga Lincoln, *Helena Independent Record*; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Sam Little, Weed Coordinator; Tara Mastel and Tom Harrington, JLDC; Cameron Clark, County Extension Agent; Fred Bell, Kent Brown, Dwight Knutson, Dennis Lay, Marilyn McCauley, Cory Fitzgerald, Diane Lorenzen, John & Sherry Zipperian

Absent: Commissioner Notbohm

SUBDIVISION REVIEW

FINAL PLAT APPROVAL - ZIPPERIAN MINOR SUBDIVISION

Mike Hoffman, County planner, presented his staff report. He stated that no road is required, as the existing driveway meets the standard for a drive to homesite. Two variances have previously been granted. He recommended that final plat approval be granted. Commissioner Weber asked if present traveled way is going to be designated as an easement. Mike stated that all of the property will remain in possession of the Zipperians, and noted that the drive has been in existence for over 40 years. Commissioner Weber noted that the road standards outline requirements for a driveway, and also noted that the land may not always belong to the Zipperians. Dennis Lay stated that this is a prescriptive easement. There is no way for it to be denied as it has been in continual use. Commissioner Lythgoe stated that the only reason they asked the question is because they have ended up in court over prescriptive easements. There would be more credibility if the easement was on the plat. Dennis stated that the plat could be changed. Harold stated that he can write up an easement and file it with the plat; there is no need to change plat.

Commissioner Weber moved to grant final plat approval with the caveat that present traveled way be given a filed easement in the Clerk and Recorder's office. Commissioner Lythgoe seconded. Motion carried.

REQUEST FOR VARIANCE - PONDEROSA RANCH MINOR SUBDIVISION

Mike Hoffman presented for variance request for the Ponderosa Ranch minor subdivision. The October 17, 2006 minutes.wpd

four requests are for a one point of ingress/egress, the road ending in a cul-de-sac that is longer than 1500 feet, a 24 foot minimum bridge width, and a 24 foot minimum road width. Mike outlined the needs for each of the variances and recommended that the variance requests be granted. Commissioner Lythgoe asked the length of the roads ending in a cul-de-sac. Mike stated that it is over a mile. Commissioner Weber asked about the road that would be on the bridge; he asked if the road is 21 feet wide for 400 feet and then expands to 24 feet. Mike stated that this is correct. Commissioner Lythgoe asked if there are two cul-de-sacs. Mike answered that there are, stating that it was the most cost-effective option to allow for better access.

Commissioner Lythgoe moved to grant the variance request. Commissioner Weber seconded. He stated that in regards to the bridge, the Commission granted a variance request for the Zipperian subdivision and asked if the same variance is needed for this subdivision. Are there any other concerns other than the width, such as weight loads etc. Mike stated that Ben is the only one who has looked at the bridge. The state installed the bridge, but he is not sure when. The preliminary plat approval documents will require stamped road plans. The motion carried.

REQUEST FOR VARIANCE - MOBLEY MINOR SUBDIVISION

Mike Hoffman, County Planner, presented a variance request and noted that the developer has changed the name of the subdivision to the J Bar T Meadows minor subdivision. The developers requested a variance to allow for one point of ingress/egress. Mike recommended that the variance be granted. Commissioner Weber asked if there is a copy of the refusal from the state to deny access. Mike stated that he did not pursue this. Curlew Lane runs north and south, and this will allow the subdivision access without clogging with multiple access points. Commissioner Weber stated that his only concern would be if this continues and they landlocked state lands; they need to insure that public access is not cut off. Mike stated that there is an existing road elsewhere that accesses the state lands. Commissioner Weber moved to grant the request for a variance. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

SOLID WASTE BOARD - DISCUSS PLAN FOR THE INTERIM

Fred Bell stated that his concern, having been on the Solid Waste Board for 10-11 years, is the hiring of the next person to be the Solid Waste Manager. It is all well and good for the Commission to hire, but it needs to be spelled out who has authority over the manager. Fred stated that if he understands the MCA, to set up a solid waste district there needs to be a solid waste Board. The board is responsible for the solid waste district and DEQ requirements. If the commission feels the solid waste Board should not have some responsibility in managing the solid waste manager, this needs to be outlined in resolution. The County has taken over contract negotiations and also some hiring responsibility, although he is a little vague on what exactly that entails. He feels that maybe the Commission needs to hire a road manager and also someone to be responsible for solid waste. This may not warrant a full-time person, but he feels it does. He feels that the two positions are in conflict as both have their busy season in the summer.

Kent Brown stated that he agrees with Fred. He understands the Commission's position, but he feels that the Solid Waste District would be better served with a Solid Waste manager who is a working manager. Duane Knutson stated that at the last Solid Waste meeting they discussed

crew supervision and if there would be compensation for such.

Commissioner Lythgoe stated that in regard to the authority of the Solid Waste Board, they have had this conversation quite often over the past several years as well as written opinions from Leonard Haxby. The Solid Waste Board has a lot of authority; they have the authority to manage the business and also the ability to have a lot of say in hiring. The thing that has changed recently is the combination of the road supervisor and solid waste manager positions. Reading past minutes, there was concern that there was not enough input from the Solid Waste Board, so the Commission waited and got a recommendation from the Solid Waste Board in favor of combining the positions. Because of this, things have changed in that the board and the Commission have become partners regarding this position. There is no doubt in his mind that the Solid Waste Board has the authority to manage the Solid Waste District as they see fit without a lot of input from the Commission. When Ben left, they met as a Commission and discussed if these positions should be separated out again and have two separate departments. They discussed the positive and negative aspects and discussed how far the departments have come. The Commission made the decision to keep the position combined and advertised as such, as they felt it worked well and they would like to see this continue.

Commissioner Weber stated that the reason this is on the agenda now is due to discussion at that meeting of who the "go to" guy would be for decisions. He stated that he was chosen because he sits on both boards. There were some on the board that felt the positions should not be combined and questioned how the commission can independently come to that conclusion. Fred stated that he was on board when the decision was made. Economically, it doesn't seem to have made a difference. They made the decision to combine the positions after the six-month trial period, but none of the six months were over the summer. He asked if when the Commission hires this position, if a Solid Waste Board member will be invited to help. Commissioner Lythgoe stated that this is entirely appropriate. For a variety of reasons, it makes sense to keep these positions combined. He stated that the Commission's only mistake is not bringing the Solid Waste board into the discussion to keep the positions combined.

Fred stated that his concern is keeping all of the bases covered. Hopefully they can find that person to be able to cover both positions. He noted that both position descriptions entail more than a lot of people consider. Commissioner Lythgoe stated that Leah and Larry are very capable and have things covered. The crews are also great and know what needs to be done as we head into winter.

Fred noted that Leah and Larry are both in positions of responsibility at this time, and asked who was responsible, the Solid Waste Board or the Commission, to decide if they get extra pay for extra work. Commissioner Lythgoe stated that the issue regarding compensation is valid. This needs to go to the personal officer so that some compensation package can be put together in the interim.

Fred stated that he is as comfortable with this as he can be at this point, although he is still vague on the law of how the board and Commission fit together. Commissioner Lythgoe stated that the Solid Waste Board and Commission are in a position of partnership because of the combined Solid Waste/Road Supervisor position. Regarding the Solid Waste business, this is up to the Solid Waste Board to run. Once the position is hired, it will be up to the board to manage. The

problem is that the board is made up of part-time volunteers; the Commission is here all the time, so they can deal with this more easily. Leah asked if the board members will be able to review the applications before people are brought in for an interview. Commissioner Lythgoe stated yes, and said that we will meet to talk to Kellie about this. They would also like to have a board member on the interview panel. Commissioner Weber stated that all of the Commissioners will be on the interview panel and noted that he himself is also a Solid Waste Board member, but he feels it would be appropriate for another board member take part also. Commissioner Lythgoe stated that Ben will also sit in on the interviews.

DISCUSS AND DECIDE ON RELEASING METAL MINES FUNDS

Commissioner Lythgoe stated that they have discussed releasing the metal mines funds and have heard from the High School and the JLDC regarding the funds. Commissioner Lythgoe moved to release the metal mines funds to the schools and also to the County. Commissioner Weber seconded. Motion carried.

Commissioner Lythgoe stated that resolution 35-2006 is not complete at this time as there were no numbers to input into the document. The Commission had previously received a request from Basin Elementary School stating that they were negatively impacted by the closure. By law, the only schools the County is required to release the funds to are Clancy Elementary and Jefferson High School. He felt was only fair to contract Boulder Elementary and Montana City Elementary also. He has done this, and the Montana City school stated that they had minimal impact, if any, and are requesting no share of the money. As for Boulder Elementary, Mr. Klein is in attendance. He had hoped that there would be someone at the meeting from Basin. He did speak to them on the phone, and they are hoping to receive \$60,000.

Bob Klein stated that initially, the trustees felt that there was no impact, but they want to look at the enrollment to see if there has been any impact. If the Commission is to make a decision today, he has no idea of what the impact is. Commissioner Lythgoe asked Bob if it is his board's desire to get a share of this money. Bob stated that they would like time to explore this. Commissioner Lythgoe stated that this will be on the agenda again in two weeks.

Diane Lorenzen stated that she is a member of the Clancy School Board. They would like the allocation to follow the law. If the Commission decides to do something different, the board would ask that they be able to review the requests. She stated that the Clancy School is very dependent on these taxes.

DISCUSS ALLOCATION OF COUNTY METAL MINES MONIES

Tara Mastel, County Economic Development Agent, stated that the JLDC would like to fall back on the MTAG recommendation for allocation. However, due to the increase of the funds, they request that they receive a proportionally increased amount. They are still recommending that they go with the proportion listed, but increase the amounts. Tara stated that one thing the JLDC is interested in pursuing is a lump sum to continue with operations. They had a HUD grant in 2001 that they would still be using if they hadn't needed to expend the money during the grant

cycle.

Commissioner Lythgoe stated that the County has some tasks ahead that will cost a significant amount to support. He is reluctant to give them any more than what they originally requested. The original request was for \$900,000. The only thing he is uncomfortable with is the industrial park. His recommendation is probably going to be \$150,000 to the grant program, \$150,000 to the business loan program, \$150,000 for the development of land for housing or a business park, and \$150,000 to the JLDC for ongoing business. This is a pretty good start. He also feels that they should include something in their proposal regarding JLDC operations regarding staffing. Commissioner Weber said that he thinks it is very appropriate to include something for staffing.

Commissioner Lythgoe stated that he is not suggesting that this is all that they are going to get. At this point in time, they need to see where they are headed with their projects and the associated costs. Tara asked that she be allowed to be involved with the discussion, and noted that there will be a JLDC board meeting the following day. Commissioner Lythgoe stated that this will not be a problem. Nothing is secret, the County just has some heavy duty things going on at this time.

Tom Harrington asked if they plan to mirror the grant and loan programs they have set up in the Whitehall area. Commissioner Lythgoe stated that this is the plan. Tom encouraged the Commission to use the existing program, and possibly combine them, as there is a lot of administration involved. Commissioner Weber asked Tom if he would be willing to head this up. Commissioner Lythgoe asked if the two programs could be combined. Commissioner Weber stated that the grant review committee needs to be made up of people from the northern part of the county. Tom said that they probably need to keep the programs separate, as there are different concerns. He may be able to help set up the northern program however.

Commissioner Lythgoe asked Tom and Tara to draw up a proposal and include money to fund the JLDC.

DISCUSS AND DECIDE ON EXTENSION OFFICE INVOLVEMENT IN JEFFERSON COUNTY WEED PROGRAM

Commissioner Lythgoe stated that it is his understanding that a compromise has been reached.

Cory Fitzgerald, Weed Board Chair, said that this has been discussed with the Weed Board. They want to keep the person on the south end. They have come up with a compromise, a 30-10 split. Cory said that the only problem the Weed Board has is the lack of communication; the board was the last to know about this. The board and Cameron have worked out the issue and have come up with a compromise that he hopes will work. They are busy in Whitehall and getting busier, and they need a presence. Cory reiterated that the lack of communication is what bothers them and the board is not happy with how this was handled.

Commissioner Weber stated that he agrees with them, and no one is happy with the communication on this issue. It was definitely mishandled. The Commission addressed a need that was brought forward by a department. If they have worked out a compromise, this is great.

He would ask that the communication continue.

Cory asked where economic development fits into the Extension weed program. Commissioner Weber stated that all Extension Agents have some component of economic development. Jefferson County also has an extension agent and an affiliate who are strictly economic development. Commissioner Lythgoe stated that Jefferson County has an interesting situation, as most extension offices do not have as strong an economic development presence. We are very fortunate in this, as most counties have small pieces of economic development. How does this connect with weeds - it does and it doesn't. The weed piece is part of Cameron's ag agent piece.

Cory asked why the Commission is involved with Cameron's and the Weed District's solution. Commissioner Lythgoe answered that it is because of the office setting. There is support staff to implement the programs. This is why they are all involved, because of the way this affects the way the office functions. Cameron stated that he would like to add that with the economic development piece, they leverage fund half from metal mines and half from MSU. This is a good deal. Also, they pay half of the rent for the building. Because of office issues due to a backlog of people and time, his secretary gets backlogged. This flows over to the economic development secretary. He read a letter outlining the compromise they have come up with (on file in the Clerk and Recorder's office). Commissioner Lythgoe asked if there are still issues that have to be worked out. Cory stated that there are still some logistics to be worked out. He can't accept this proposal at this time; he needs to take this to his board.

Sam Little, Weed Coordinator, stated that he is glad they are discussing communication at this meeting. He referred to past Commission minutes that indicated he was at meetings and the responsibility was his to deal with. He didn't bring up this issue, nor did his board. The Extension dirtied the laundry, let them clean it up. He can show that he was not at those meetings. Commissioner Weber stated that he intended to deal with this elsewhere on the agenda. The September 19 minutes had a mistake that he did not catch and should have. The minutes read:

"Commissioner Notbohm stated that he attended the weed board meeting. The board is a bit upset with the Commission regarding their part-time help. They maintain that neither Sam nor the weed board was notified before the decision was made. He noted that Sam made a good point that the weed board paid 10 hours a month of her salary and the County will now need to make that up. This person is good to have in the Whitehall office; she is knowledgeable, it does not take a lot of her time, and it is good community relations. The board will be writing a letter asking the Commission to reconsider. Commissioner Weber stated that Sam was aware of this, as he was at the meeting with Kellie, Jill, and Cameron. If he didn't talk to his board or to Cameron, it is unfortunate. Sam left that meeting saying he would work with Cameron on this. Commissioner Lythgoe stated that if Sam was aware and didn't talk to the weed board, Cameron, or Jill, some of this is on Sam's shoulders, although the Commission has some responsibility too. Commissioner Notbohm noted that it seems like a good fit for her to do this."

Commissioner Weber stated that two separate meetings were inadvertently combined in the

minutes. One meeting had Sam, Tara Mastel, Tom Harrington, Jill Allen and Nancy Wheeler in attendance, and the other meeting had Kellie Doherty, Tara Mastel, Tom Harrington, Jill Allen, Nancy Wheeler and Steve Siegelin of MSU in attendance. Because the two meetings were inadvertently combined, it appeared that Sam was at a meeting with Kellie Doherty; this is not the case. Commissioner Weber stated that he stands by his comments, and also remembers Commissioner Lythgoe saying what is recorded in the minutes.

Commissioner Weber moved to amend the September 19 minutes to reflect that two different meetings occurred. Commissioner Lythgoe seconded. The motion carried. Sam stated that he can prove that he talked to Jill and his board and did his job. Any insinuation that all of this is on his shoulders he takes issue with. Commissioner Weber suggested that Sam read the minutes. The Commission takes part of the responsibility. They are not saying Sam is not doing his job; they are happy with the job he's doing. Commissioner Lythgoe agreed that he is very happy with the job that Sam is doing. He is very satisfied and comfortable with him, as well as the weed board. Sam stated that he felt an obligation to maintain that communication did take place.

Commissioner Lythgoe moved to include Sam's letter in the minutes. Commissioner Weber seconded. The motion carried.

Commissioner Weber stated that he would like to meet with the board to try to clear some of this up. He would like to strive for continued communication. Cameron stated that perhaps it would be good to have some weed board members present also. They may be able to find a better solution. Cory noted that the other weed board members have 8 to 5 jobs. Commissioner Lythgoe stated that they will accommodate this.

JLDC UPDATE

Tara Mastel, JLDC manager, came before the Commission to give an update of their recent activities. She stated that there are some pretty exciting things happening. They have a draft copy of the lease for the Golden Sunlight Industrial Park, so things are getting close. They received most of the final documents for the A&D study the previous day, and these will be forwarded on to DEQ. Tim Dimmick, the new mine manager at Golden Sunlight, attended the CTAC meeting. He is very interested in living in Montana in the long term. This shows that he is interested in keeping the mine open, not just coming to shut it down.

On the South Campus, the roof and boiler in building 8 are completed, and they hope to have kids in the building soon. They continue to work on the subdivision on the South Campus, and Dennis Lay is working on this.

Tara reported that there was a record attendance at the JLDC annual dinner. Larry Swanson is working on his report, and will tentatively have it done for a mid-December presentation.

Two new board members have been added, Dick Norden and Jim Jacobsen. This brings the board up to 12 members.

The JLDC is starting a human services roundtable. They hope to increase communication between the various organizations, and between the organizations and the community.

The housing committee has held several meetings and gauged community interest. A community board meeting will be held next to assign responsibilities.

Commissioner Lythgoe had another meeting to attend, and left the Commission meeting at 3:30 p.m.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER